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Interview with Ralph Tucker by Jeremy Robitaille

Summary Sheet and Transcript

Interviewee

Tucker, Ralph

Interviewer

Robitaille, Jeremy

Date

June 20, 2001

Place

Topsham, Maine

ID Number

MOH 280

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Biographical Note

Ralph Tucker was born August 16, 1947 in Winthrop, Massachusetts. His father, Ralph Tucker Sr., was an Episcopalian clergyman and his mother, Mildred, was a nurse and teacher. He attended Betty B. Winslow School, New Bedford, Burlington High School and Hobart College in Geneva, New York. He majored in Political Science and was involved in the International Relations Club. He was a conscientious objector to the Vietnam War. He married in the spring of 1971 and entered law school in the fall of 1971, focusing on labor law. He joined the law practice of McTeague, Higbee in early 1977.

Scope and Content Note

Interview includes discussions of: 1976 Senate campaign; OSHA; the Civil Rights march in Selma, Alabama; Maine School of Law; class of 1974 law students actively involved in Maine politics; 1970s textile workers', meat cutters' and papermakers' unions strong; anecdote about George Mitchell; 1974 and Longley's effective ad campaign; Medical Center Union organizing drive, 1975-1976; Local 1199 out of New York; Ben Dorsky and workers' compensation reforms, 1970s; Tucker as messenger between Dorsky and Muskie; Waterville, Maine as the strongest union town in the state; Industrial Accident Commission protocol; and impressions of Jim Longley, Joe Brennan and John McKernan.

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Transcript

Jeremy Robitaille: We are here at the office of McTeague, Higbee etc., in the office of Ralph Tucker in Topsham, Maine. The date is June 20th, 2001, and interviewing is Jeremy Robitaille. Alright, Mr. Tucker, for the record would you please state your name and spell it?

Ralph Tucker: Yeah, Ralph Tucker, R-A-L-P-H, L., Tucker, T-U-C-K-E-R.

JR: Great, and what is your date and place of birth?

RT: It's August 16, 1947, Winthrop, Massachusetts.

JR: Okay, thank you. And what were you parents' names?

RT: Ralph, Sr., and Mildred, Mildred, formerly Mildred Moore.

JR: And where were they from, were they both from Winthrop, Mass.?

RT: My father was from Winthrop, Mass., my mother was from New Bedford, Mass.

JR: And what were their occupations?

RT: My father was an Episcopalian clergyman, my mother was a nurse, and later became a teacher.

JR: And do you have any brothers or sisters?

RT: I have three younger brothers.

JR: And what were your parents' political, reli--, your father was an Episcopalian minister, but like political beliefs and religious (*unintelligible word*)?

RT: I think they were concerned socially, probably I would say Democratic, liberal Democratic.

JR: Okay, and were they at all involved in the community?

RT: Yes.

JR: Like outside the church.

RT: Yes, my father was. He was active as a minister in the minister's groups concerning civil rights. He went to the, I believe the march in Selma, Alabama. My mother's always been active as well. Not in formal Democratic politics but in civil rights.

JR: Okay, and did your father or your mother tell any stories, like your father went to the march in Selma, Alabama. Like did you get any stories about that, like people he met, or events that he went to?

RT: Sure, yeah, he described a long, you know, how many people there were. He recalls getting off the airplane on his way down with a couple of other ministers and hiding under a blanket in the back seat because everybody was paranoid driving into Selma from the airport. Stuff like that.

JR: Okay, and where did you go to elementary school?

RT: Betsy B. Winslow School in New Bedford.

JR: Okay, and how about high school?

RT: Burlington High School in Burlington, Mass.

JR: Okay, and during like your high school days, what were your interests, what did you do, like extracurricular, like subjects you liked?

RT: Well I enjoyed farm work, I worked on my uncle's farm. He owned a dairy farm at the time, and that was what I enjoyed.

JR: Okay, and what, were there any teachers or otherwise that really influenced you during high school that you can remember?

RT: Yes, I had a history teacher who was, who started teaching, we were in his first year of teaching. He was an older fellow who had been in the Marine Corps and he was very interesting and taught history.

JR: Okay.

RT: And we would often go after school and talk to him for, you know, forty-five minutes or an hour and just talk about current affairs and stuff with several other people. I'll remember his name as soon as you leave.

JR: Okay, and what were the major issues that you guys talked about at the time?

RT: Oh, civil rights, evolution, history, battle tactics of the Civil War, stuff like that.

JR: Okay, and were you yourself at all involved with like the community, like the civil rights movement for example?

RT: No, I wasn't, no.

JR: Okay, and did you have an interest for the law at this time, or was that -?

RT: No, I had an interest in social concerns, and historical things. I was always interested in history, but I never thought of legal pursuits.

JR: Okay, so after high school did you enroll in college right away?

RT: Yeah, I went to college, I went to Hobart College in Geneva, New York. I got a scholarship because my father was a minister, so I went there for four years.

JR: And you chose this because you had a scholarship?

RT: Yeah, I took the f-, the only place I applied.

JR: Okay, what was your major?

RT: Political science.

JR: And did you have any involvements while in college, like in the community or extracurricular?

RT: No, that was during the Vietnam War and we, so we spent a lot of time talking about that and, you know, we had some loose groups, anti-war groups. I was interested in the international relations club. That's about it.

JR: Okay, and so what did you do after you graduated from college?

RT: I worked for two, two and a half years at Metropolitan State Mental Hospital in Waltham, Mass. as a psychiatric orderly. I was a conscientious objector, and there were a number of other conscientious objectors who were also assigned to that facility. Including one fellow named [Paul] O'Brien, big fellow from South Boston, and this is the O'Brien whose case was so famous because he burned his draft card, and I think it went either, it was a famous legal case. I don't know, I've never looked it up, but I think it might have gone to the Supreme Court, or maybe just to the first circuit. But it was interesting to meet that, the O'Brien who had either burned or ripped up his draft card and got convicted and sent to prison. But he was out on parole, or whatever. Or maybe he was sentenced, maybe the court gave him a sentence to work. I forget.

JR: And so after this did you enter law school then?

RT: Yeah, I went to law school in the fall of 1971.

JR: And you went to Maine Law, right?

RT: That's right.

JR: And how did you decide to go here?

RT: That's where I got admitted, that's the first place I got admitted. I had intended to apply at BU and Northeastern and Suffolk, but I never completed the applications because U Maine admitted me, so I just dropped, I figured I'd come here.

JR: And when you entered law school, was that with an intention to eventually practice law, or was that like -?

RT: Yes, that's right. It's a process of exclusion. I was married by that time, I was married in the spring of '71, and my wife was a nurse, and so I was going to be a lawyer.

JR: All right, so what did you focus, like, did you have a particular section of law that you focused on in law school, or was it more of a general curriculum?

RT: Well, you get a smattering of everything. I was interested in labor law and did well in that. I got a special book as a prize for doing well in labor law with, the professor who's David Gregory and he always joked that his students knew more about labor law than he did.

JR: Were there any other professors who were influential on you at Maine Law?

RT: They all were, actually. I enjoyed Maine Law, it was a very stimulating place. It was the, as a freshman, it's a three year school; the first year I spent down at the old law school downtown on High Street, and then the last two years in that round building on the USM campus.

JR: Okay.

RT: It was an interesting class because there were a number of members of the class who were already state legislators. Steve Hughes was in that class, he was the first student trustee at UMO. Charlie Jacobs was in that class, Charlie, I think he was also from UMO, he was on the executive council at the time.

JR: Oh, okay.

RT: When they had an executive council. I think he, I don't know, you'd have to talk to him but he was close to Muskie later on.

JR: That's Charlie Jacobs?

RT: Charlie Jacobs.

JR: And was he, (*unintelligible phrase*) for Longley, right? The executive council, or?

RT: That was even before. I think it was abolished before Longley.

JR: Oh, that's right, okay.

RT: Charlie probably has some stories about helping to abolish the entity that he was part of. And then there was, oh my, I've forgotten the names, there was a number of different legislators. And there was Charlie Priest who was later in the legislature for Brunswick, he was in that class, he was a good Democrat. And then there's Jim Case, Jim Case was in that class. Philip Merrill, who was a state senator for a couple of years and ran for Congress and is still active in Maine Democratic politics. Jim Tierney was in that class. And on the Republican side, Jock McKernan and Robert Moore were also in that class. So it was a, I don't know why that class had so many legislators and active Democrats in it.

JR: All right, so what happens after law school?

RT: Well, while in law school I was active in the Portland Democratic city committee and

became, and I think I became treasurer of the town committee, either, or maybe it was the city committee, treasurer of the city committee.

JR: Okay, in Portland?

RT: Yeah, I get them mixed up. I got to know, I was involved in a number of campaigns while still in law school, and for a work-study job during the summers, Roger Snow was the leader of the Bureau of Labor Education in Orono at the time. And it was later Charlie O'Leary, and so I got a job working for the Bureau of Labor Education. Kind of a work-study job, going around giving talks to local union groups about worker rights. And I wrote a pamphlet with Jim Tierney, we wrote different chapters in this little guide book. It was "The Workers-", I think it was called "The Worker's Guide to Labor Laws" and I wrote the OSHA chapter, and I was particularly interested in the Occupational Safety and Health Act.

JR: Okay, and that was all during law school?

RT: Yes. And after law school I opened practice with Phil Merrill on Monument, One Monument Square, that's the building that the Conley law practice is in now, and was there for a couple of years. And just started a general practice of law, I went and hung around district court and got court appointments. And I didn't make any money, but we paid the expenses, so I figure that was a success for the first year, year and a half.

JR: Okay, so at this time, like during law school and right after it, like, you're getting politically active. What is your sense, or like what were your impressions I guess of like, of like first Maine politics and also of Ed Muskie, (*unintelligible phrase*)?

RT: Well, after the, I think there was a presidential campaign in '72, that's the one I think that Muskie dropped out of in the primaries. In '73 or '74, maybe '74, Muskie came over to our house. We owned a house over on Broadway Street just beyond Morell's Corner in Portland. And so Muskie came over and it was, it was to meet with some young law students and we were I think maybe seniors in law school. And he came over and he sat in our big easy chair, we call it the Muskie chair. And we had a lot of law students, maybe, I don't know, maybe half our class, a third to half of our class came over. I think he was feeling people out, I think he was running for reelection in '76, I don't know, you'd know better than me. And I think he was starting to send out feelers to the young people, especially the people in the law school, and that was quite an honor to have Muskie come over to our house so we got to meet him. Very gracious and, you could tell he didn't suffer fools gladly, but he was very gracious with all the fools that were there.

JR: What did you discuss, like the contemporary politics in Maine, like what was it, like a question and answer session?

RT: Yeah, but it was, it went to issues more, the current issues of the day. We weren't getting any kind of inside dope on Maine politics or anything. After I graduated from law school in '7-, oh geez, '74, because I'd been active in the local Democratic committee and because I knew a number of different people, and also because I helped work on the Dave Bustin campaign- he ran

in the primary and lost- but for a variety of reasons I got a job working for the Maine State Committee in the fall of '74, which was the, geez I think, that was when Mitchell lost to Longley.

JR: Right.

RT: My assignment for the State Committee was to work with legislative candidates. Libby Mitchell was running for the first time that year, a number of others, and I helped make their, helping the brochures and press releases and issue research. Jim Wilfong ran that year, there was a number of people ran. And that position at State Committee was funded by the settlement that we got from the Watergate break-in. As a result of the Watergate break-in, the Democratic, National Democratic Party sued the Republicans and had a huge settlement, and the National Democratic Committee divided up all the money amongst the different states. And that money that came to Maine was used both to distribute money to local candidates, most of it, but a small bit of it was held over and was used to staff, for me, well not me necessarily, but it was set up for a staffer and I had the job, and it was a lot of fun for about a month, month and a half, riding around the state. And I was able to use the contacts that I had from the Bureau of Labor Education where I used to go around and speak to union locals in all the mill towns, I was able to use those connections as well in the 1974 election to get to know a lot of people and to help.

JR: Okay, yes, if we could talk about that a little bit. Both, like you talk about all the connections you made, specifically with the unions. Like, what unions did you talk with and make connections with, and people specifically, like union leaders?

RT: Well, I got to know Ben Dorsky and Charlie O'Leary and Gary Cook, and at the local level though I, you know, we'd travel anywhere from the textile workers union down in Biddeford, we would go there. They even had a few shoe worker locals left, but they were dying out. The meat cutters, who were a very active political force at that time, they had organized some of the chicken plants around, Hillcrest Poultry, I'm not sure, there's a whole bunch of companies. Of course the paper makers were the strongest, and we would go around and give talks on the rights that workers had, the workers comp benefits or unemployment and so forth. And I got to know Marv Ewing at, he was president of 1069 Paper Makers in Westbrook. And especially fun was going to Aroostook County and meeting the paper makers up there, and there were also some meat cutter locals up there. It would surprise you. They had a french fry processing plant that was organized by the machinists, yeah, machinists, and so that was fun.

JR: Okay, and how long did you have that job with the state -?

RT: Oh, that was just for the election, a couple of months, it was the summer actually, maybe it was two months. And that was, it was interesting. I felt like a fool because on election night I was so happy because the Democrats for the first time in years had taken over the Maine state legislature by a hair, they had taken over the Maine legislature which meant the constitutional offices. And so I was just ecstatic at the headquarters down in Portland getting these returns in about the, how we had won the legislature. And I was all happy but then George Mitchell came in and he was all dejected and I was telling him with great excitement how successful we'd been with the state legislature, and I realized immediately what a fool I looked like because I was so

happy and yet we'd lost the governorship to Longley in the last few days in a very dramatic upset. And so I felt like, you know, my adrenaline was all pumping from my part of the picture and I was all happy, and I remember looking at George Mitchell's eyes and he was so sad. But he was very diplomatic and polite about it, and he seemed interested, but I felt like I kind of embarrassed myself there.

JR: What was your impression of that election, just a, and or, like first of Mitchell and Longley and even, Erwin like, just because it was such an upset. What was that, what was the feeling among Democrats at the time I guess?

RT: Yeah, we just comple-, it was like right out of left field. Everybody thought it looked very good for George Mitchell, and he was a very capable candidate. But then Longley started running those ads, sitting on the stool on a bare stage, just talking to people, you know, looking into the camera. And those ads were just very effective, and he just tapped in to real insecurities that people had, and just came out of nowhere.

JR: Right, so probably part of it was like Mitchell, was it that Mitchell didn't take it seriously enough, you think, like towards the end?

RT: I wouldn't pretend to advise. If he had to do it all over again, maybe Mitchell would have done exactly the same things, you know. You just, in retrospect it's impossible to say. I mean, it's only in retrospect that you can look back and say it. I think maybe, all I know is the conventional wisdom and the conventional cliché is that Mitchell should have gone after him. But then again, if he'd gone after him maybe it would have built him more, so I don't know.

JR: So you were at, you had that first law firm with Phil Merrill?

RT: That's right.

JR: So you were only there for a couple of years?

RT: That's right.

JR: And then you came here?

RT: Yeah, well I discovered that having a politician as a law partner really didn't really yield that much more business. The idea that politicians bring in a lot of business didn't work out. Phil was running Ed Muskie's reelection campaign for '78 ['76], and he basically ran it out of our office on Monument Square, and so he was designing buttons and setting up press conferences, doing stuff like that.

Meanwhile, I was gradually building a criminal practice. I had about six jury trials, and I discovered that I was naively kind of letting my clients have their trials, where a more mature attorney would plead their clients to lesser offenses and stuff. But if my clients told me that they were innocent, I said "fine", and so we went and had our trials and they all got convicted, except one guy where I got him off for a, well that's a whole other story. But while I was doing that, trying to build a practice, the politics was going on at the same time. We did have one client that

was noteworthy, and that is in 1975 or '76, there was a union organizing effort at Maine Medical Center, the biggest employer in Portland at the time, and we represented the union on local matters. And during that organizing drive, Muskie came up and addressed the employees, the laundry workers and anesthetists and the, all the people who were attempting to organize, and he addressed them at the Labor Temple on I believe Federal Street, on the corner of Federal and Exchange, upstairs on the third floor where they have an old, they used to have a labor meeting hall, and that was quite something.

The union was a national union, it was the retail clerks union out of New York, they called it 1199, Local 1199, and I got that because my wife worked at Maine Medical Center at the time and she knew the people involved and so she referred them to me and it was interesting. It wasn't a political referral at all, it was a, you know, just an ordinary referral and our job was to help get the union organizers out of trouble, trespass issues and so forth, and we would run interference and go to the district attorney's office and resist the hospital's efforts to have them arrested for trespassing. And we persuaded the district attorney that this was a labor relations issue that was preempted by federal law in the NLRB. The hospital and all of their high-priced lawyers were trying to persuade the district attorney that it was pure trespass, criminal trespass, and that they should go out and arrest these guys for walking in- you know how the hospital is open, walking into the cafeteria, into the gift shop and so forth and so on. So that was the area where we participated.

And they had a national attorney from Pennsylvania who came up to do the hearings before the NLRB, and we had them in the third floor grand jury room in the Cumberland County courthouse, these hearings that the NLRB hearing officer had, to determine who could vote. I mean, there's a complicated thing where you have to decide who's in the union, who's in the bargaining and then who isn't, which classifications are included in who can vote and who can't. And of course the hospital tried to drag this out in order to doom the enthusiasm of the organizing drive. And it was our attempt, the union wanted to have the election as soon as possible before the hospital could hire all their psychologists and, you know, people that play head games with the employees. So while we were in the middle of that, the lawyer from Pennsylvania who was the expert had a heart attack in the men's room, and so I got a chance to take over from there and stepped in and finished doing these, what they call unit, you know, a unit hearing, unit determination hearings. And for a while there I was making, you know, three or four thousand dollars a month which was big money to me in those days, and, but it was over shortly. We won all the legal fights in the end, and were vindicated on all the legal points, and all the charges of unfair labor practices we, the union won everything. But we lost the election because it had been slowed down.

So it's a perfect example of how the labor laws in the United States don't work, and it was one of the things that we kept Muskie apprized of and he attended some of the meetings. He didn't, you know, he didn't really take sides but he stood, he basically made, he gave some security to the people, to the poor workers, you know, the actual hourly workers who were trying to organize, he let them know that they had a right to do this and that it wasn't being un American or anything, and so he said that workers do have rights. And he understood that, you know, the laws were stacked against the workers. So that's what happened there.

JR: And do you remember any of like the union leaders that you dealt with in that whole ordeal?

RT: Well, I can't, I don't remember the names off the top of my head. There was an organizer named Don Ferry, there was an organizer who came her named Michael Cavanaugh who married one of the leading activist members, she was I think, I forget what you call them, anesthetist? No. They're the people who run around and give, respiratory therapist, that's what, I think she was a respiratory therapist or a nurse. And he married her and stayed on, got a job working for the textile union and had an office in Biddeford, and was quite active in state politics and labor politics for a number of years. And I don't know, I think he may have moved back to Chicago by now, Mike Cavanaugh.

JR: Okay, Alright, and so that's, you kind of got into that sort of by chance.

RT: Yeah, that's right, happenstance.

JR: Right, did that influence your decision to come to this law firm, or were you already here?

RT: Yes, it did, it very much did. I discovered that, you know, surviving in the general practice of law is very difficult because so many people specialize. And I think Ben Dorsky, I was active in the AFL-CIO at the time because I was, I got a membership as a labor educator so I had kind of a fictitious title, a fictitious membership, so I could attend, I could get a card to go to conferences and stuff. Ben Dorsky was helping me and promoting me and I think at that point I joined McTeague's law firm I think in early '77. They needed somebody so I started with McTeague, Higbee at that time.

JR: What was your impression of Ben Dorsky? I've heard a lot about him besides- through reading interviews. Like more, what's your own personal impression of him, and how do you think, like labor unions, how was he viewed by like -?

RT: He played his cards close to his chest, and he always kept people guessing. He was a master at diversion. If you had a conversation with him, you'd never know which way he was coming from, and he would divert the conversation. And you could tell that he was very good at what he did. And of course he was a Republican, you realize, and he was quite effective in passing the workers comp reforms in the seventies that made, gave Maine one of the fairest laws in the country. And he did that because at the time there were many Republican legislators from mill towns who were pro labor, and so although in some states the lines were drawn very early, in Maine at least there were a number of Republican legislators who were, who came from working class constituencies in the mill towns where the workers might even have been Republican. But yet their economic concerns were for having good laws for workers, and so you had the votes, you could get Republican votes to make workers comp better, to increase the maximum benefit rate, to allow the benefits to go for longer and so forth. And so he masterminded that thing. He's also the one who talked Pat McTeague into going into the practice of labor law and workers comp. Ben Dorsky was behind that.

JR: Okay. He was very close to Muskie, right? I've heard that.

RT: Yeah, I suspect that's so. Although I didn't, I was never, well let's see. It was after the, I was involved in this to a certain degree. I had developed some expertise in the Occupational Safety and Health Act, OSHA, and I think it was passed in '74, Nixon signed it. And, is that possible? Seventy-two, it might have been '72 because he went out in '74, so it passed in '70 or '72, and in the mid-seventies, industry was pushing to have state plans which would be watered down and would be more controllable by industry. In other words, it split up OSHA so that it wasn't a federal program but the state agencies could contract with the federal government to be the enforcement mechanism. In other words, the OSHA Act was a federal act, was a federal job safety act with, really set up to, for inspections and punishments and so forth and so on. Set up as a federal program, but there was a little loophole at the end that said that a state agency could contract to do the enforcement, to do the work, to do the OSHA activities if they could meet the approval of the Department of Labor, okay? Governor Curtis was the governor at the time, and his chief of -

(Outside interruption of taping.)

RT: Your question was about Ben Dorsky working with Ed Muskie. I had become, I don't want to say expert, but I had some familiarity with the Occupational Safety and Health Act, and I had, so I actually went down to, what was happening was industry and the secretary of labor, Maine's commissioner of labor at the time, I think it was, Mary Martin had just left and I think there was a new fellow, and they were using, there was industry pressure on them in the Curtis administration to set up a state plan. And they had issued a contract to a private group to try to work up a state plan, so the state plan was being developed to take it out of the federal enforcement and have the state plan as an alternative, and apply through that loophole in the comp act to have it enforced by a state agency instead of by the feds. And Curtis was starting to line up in favor of this state plan because it would bring in some money, you see, there'd be federal money for the department of, Maine Department of Labor and so forth and so on. And it was a political issue at the time that labor cared about quite a good deal.

Dorsky was following the national labor attitude that, keep it federal and let's not have these state plans, which ordinarily were much weaker and weren't as protective and so forth. Anyway, it was kind of ironic that, you know, Nixon passed the federal law and then all the Republicans did whatever they could to cut it by having it be all these fifty different state plans, with just a little bit, a little federal regulation to make sure they were in compliance, you see. So there was a conflict between Dorsky and Governor Curtis, and Dorsky used me, not because I was all that persuasive but he just kind of, I was the expert and he would kind of bring me along as if I was a briefcase. And I'd go to these meetings to meet with Curtis and list my, you know, eighty-five reasons why a state plan is worse than the federal plan. And around that time I flew down to see Muskie to talk to Muskie about this OSHA issue, and I got some contacts from him, and I think Dorsky is the one who set it up. And so I was going back and forth between Muskie and Dorsky to try to torpedo, essentially to torpedo this state plan. And through, the legislature eventually torpedoed it and it just kind of evaporated and Curtis backed off on it and so we don't have a state OSHA plan here in Maine, we have the federal OSHA plan.

The people that run it have offices here in Maine, and I want to tell you that it was Muskie who

insisted that there be OSHA offices in Maine, because although we don't have a big population, we have a large area and a lot of these management efficiency types for agencies would say, well, we can send somebody up from Boston, you know what I mean, pay them travel, and they would base the office, say, in Boston or somewhere else. And it was at this time that Muskie basically said no state plan. I mean, he was helping us to say no state plan, and at the same time he was saying, by God, you're going to have a federal OSHA office here in the state of Maine, and it is in Augusta, we have a state plan, I mean, I'm sorry, we have a federal enforcement office here in the state of Maine. So that's kind of, I was on the fringes of that. I was not a decision maker in any way, but I was there and it was fun for me to watch the way Muskie and Dorsky and the governor's office and the consultants and everybody were working on the issue.

JR: Great, okay. So, in your first few years at this law firm, what other sort of cases did you work on, like I'm assuming it was all labor, but like with what different sorts of unions?

RT: Which firm?

JR: McTeague.

RT: Mostly workers compensation. It, in those days we did a lot more union work. The unions were stronger with, for example, the meat cutters, meat cutters had a lot of grievances and arbitrations. And the same thing with textile workers in Biddeford, there was a lot more workers down there, those unions were much more strong, were much stronger, and so we would represent the unions in disciplinary cases. You know, they'd fire three or four people for smoking marijuana or something, and we'd go down and we'd have a big hearing, usually get them reinstated with a suspension, you know. And so we would have these grievance arbitration hearings, and so that's where I learned about grievance arbitration. It was Meremont, they'd fly in a lawyer from Chicago who was, he looked like this caricature of these Prussian guys- you know, with the, you know, these guys with the bald heads and pointy hats and big moustache, well he looked just like that and he'd come in and he'd be, everybody at Meremont was in absolute terror of this lawyer they brought in from Chicago, and we'd go head to head with him. It was a lot of fun; we'd always fight for about forty-five minutes over whether the session could be recorded or not, and we would repeat the fight every time we got together.

JR: That's great- I'm going to switch the tape over here.

End of Side A
Side B

JR: This is Tape One, Side B of the interview with Ralph Tucker, and we were just talking about your early days here with the law firm of McTeague, Higbee, and I just kind of want to sort of, in those first years, like what sort of sense, like working with these other lawyers did you get, and in working with different unions and whatnot, did you get about the labor movement in Maine, like, I guess perhaps compared to other states or comparing on the national level, like where, how it ranked I guess, or how -?

RT: Well, your question is kind of vague, but let me see what I can do with it. I got the

impression from getting to know local union presidents, and by local union presidents I mean people who actually worked in the plant and were not paid, but they were presidents of the local itself. My impression was that the Maine union leadership was not corrupt. Obviously there's always somebody that falls off the wagon in any group, you're talking about, whether you're talking about dentists or ministers or whoever it is, but over all I didn't get the feeling of any great corruption or any criminal activity whatsoever. And it's a very clean state and I thought that they tried hard, they were honest, hard working people, and I just developed an admiration for people who are willing to take on the task of being union leaders.

JR: Okay. Who would you say was like the biggest opposition to unions in Maine?

RT: Well, the legal, on the legal front, Herb Bennett down in Portland represented a whole circle of employers, and he ran a very sophisticated and expensive anti-union drives whenever a union was organizing. He and the meat cutters were going head to head all the time because the meat cutters were aggressive organizers. And Mr. Bennett was quite aggressive on that, but it was amusing because he made his living doing it, so it was almost like he wanted us to keep doing it because he enjoyed the relationship so much. So he would, at his seminars that he would give for employers, he'd spend half the time talking about how we got to keep the unions out, and then the other half he'd be talking about how, if you can get the union in you can hire him to control them, so he'd come out either way. And I developed a great amusement in some respect for him in that way.

But the leader of the opposition, I mean there's nobody who says, nobody says they're against organizing, but within the legislature of course it's the Chamber of Commerce which was always trying to thwart attempts, you know, laws that would benefit people, take away protections for wages, hours, and so forth. And since the seventies of course the number of union members has gone down and the, and consequently the political clout of labor has also gone down. So we no longer have a Ben Dorsky who can round up two dozen Republican votes on a labor bill, it's now more polarized.

JR: What has influenced the decline in labor union membership?

RT: Economics, pure economics, yeah. Those, the sectors where unions were strong have been reduced in personnel, and so the numbers are just not there. And since the numbers aren't there, it can't support the leadership, the paid leadership and staff that's required to do a good job.

JR: Okay. What do you think are, or how do you, like what is the influence that the labor unions have had on like politics in Maine, and politicians?

RT: Well, I think the labor unions have always had more influence than their actual money and votes would carry with it. And that's mostly because the things the unions are arguing for are usually good things, and honorable things, and it's not just greed, you see. So I think they get the, they've always had the benefit of the doubt in dealing with legislators because their cause is usually just and they're going for good things, like higher wages for people and so forth. So that has enhanced their clout. But the real clout of any interest group comes from the number

of votes you can muster, and how fast, how much money you can raise and all that stuff. And of course that has been in a death spiral now for, you know, twenty-five years, and that's why the legislature has swept away while a lot of the workers compensation protections anyway.

JR: Okay. What do you think, in relation to Ed Muskie, what was, what do you think labor's influence on him was, in Maine specifically?

RT: Well, Muskie grew up in Rumford, Maine, that's a paper mill town. They have always been organized. He would be familiar with the history of the labor movement, and the paper unions, when they organized at the turn of the century in 1900s and shortly before and after. I'm sure he'd be aware of that history of organizing, and I would expect he would identify with the people who worked in the mill. I know he always identified with working people. And I forgot what your question is.

JR: Well, it was kind of what labor's influence on Muskie was.

RT: Yeah, well I think there's that, and I think Muskie got a lot of his support from mill towns and Democratic strongholds and ethnic communities. And those also would tend to be workers, those would be mill towns, places where there were unions, Auburn, Lewiston, you know, Millinocket, all the different towns where they have paper mills across the state, and those would be the source of a lot of votes. And so not only was it his voting base, it also is where he came from. Waterville in addition, okay, Waterville is where Muskie started his practice. Waterville could be the strongest union town in the whole state. I think it was a railroad crossroad, I think they had a big railroad union there, they had the textile for years and years, paper mills, a couple of paper mills in that area. It was a very, I think in terms of percentage of labor union membership I think Waterville was right up there at the top, even above Portland.

JR: Okay, how do you think his involvement with clean air and clean water, in the environmentalism in general, how do you think that affected labor's view of him. Like, did it kind of create sort of an antagonism?

RT: I don't have enough information to answer your question. All I know is that Muskie was beloved by all the union people I met, and I never got the impression that there was union opposition here in Maine to clean water, clean air and so forth. I think you'll find many of the union people here in the state of Maine are sportsmen and environmentalists. I know that sounds silly, but you know, duck hunters and, you know. I think Muskie was able to, I'm speculating, but I think Muskie was able to maintain his credibility as a defender of organized labor at the same time that he moved towards having clean air and clean water. I don't think the opposition came from labor so much as it came from industry. And I don't think industry was able to use the unions too much as a stalking horse on that issue. But then again, I wasn't on the inside on that.

JR: Okay, if we can switch gears a little bit, I'd like to kind of talk about your involvement with the Workers Compensation Commission, and how did you come to, how did you get appointed to that? It was in 1981, right?

RT: Yeah, it was an appointment by Joseph Brennan. There was a vacancy on the board, no, it was a new position I think, there were two new positions that were put in. And you can, you know, thank, I don't know if it was Charlie O'Leary or Ben Dorsky at that point, I don't know, I've lost track of the time frame, but he put me on and I had a lot of support from the local union leaderships.

JR: Okay, and what was the job exactly, what were your responsibilities?

RT: It was called the Industrial Accident Commission then, and my job was in Lewiston, and I conducted hearings for all people injured with disputed cases in Androscoggin, Franklin, and Oxford counties; pretty big area. And so I would go to Lewiston and I would travel to South Paris, borrow their courtroom, and conduct hearings. And then what would happen is the injured workers would come in with their attorneys and the defense, the insurance people, would be there, too, and we'd take testimony. We would set three cases per hour throughout the day, I'd have a court reporter with me. Sometimes the court reporter and I would ride up on our own, and one hearing might get postponed each hour, up to, out of three, each hour, one might get postponed, one might have testimony for forty-five minutes, and the other one might be testimony for ten minutes, finishing up from the prior month, you see; rebuttal testimonies. And so we kept a pretty busy schedule. And then we'd take notes and then I'd go back and dictate a result and it would be typed up in Augusta and then the decision would come up, we'd decide yes, it was a work related injury or no it wasn't, or is the person totally disabled or fifty percent disabled. There were hundreds and hundreds and hundreds of disputes to be worked out.

JR: Okay. And how long were you there, like in Lewiston, like in -?

RT: I was in Lewiston for four years, it was a four year term. I was then reappointed to the commission, but as chairman rather than as having a geographical area. The board had been expanded I think to nine people and so my duties in, by '85, had become more administrative than simply being a hearing officer.

JR: And who were some of the other people on the board?

RT: Oh my, quite a few. They were all gubernatorial appointees, and in fact many of them went on to become judges at that time. It required confirmation by the legislature, not like now which is, they're hearing officer, they're a kind of civil service type jobs. Back then they were gubernatorial appointees for a fixed term, and you'd have to go through the legislature. So there was Doug Clapp who was on, Gene Beaulieu was workers comp commissioner for a while, he's a judge now. Ted Gaulle was on, David Pomeroy he's passed away. Charlie Defoe was the chairman before me, Kurt Sudstrup was on the board for a while; he became a judge. Ellen Gorman was on, she's now a judge; she was a commissioner, too. Jane Bradley from Freeport was on the board, and now she's a judge. Ron Russell was on before I came on, he's now a judge. It's a very interesting job, and it's a high volume decision making process, it's like very intensive.

JR: Okay, and, I'm trying to steer away from the vague questions, but kind of like get a sense of just like the development of workers compensation in Maine and perhaps specifically you can

speaking to the events surrounding the government shutdown with McKernan I think?

RT: Boy, I'd need a lot more time. I'd need a lot more time to frame that. But basically the insurance carriers weren't making enough money and, you know, they wanted to make more than fifteen percent profit or whatever it is, whatever fantastic profits they make, and so they figured they didn't want to bother doing business here anymore because the benefits were pretty fair and they were having difficulty cutting people off.

Because in workers comp nationwide, industry doesn't care if you have a generous law, they just want to make sure nobody gets any of the money. You can have a generous law as long as it never goes into effect, you know, as long as it's not poorly, if it's poorly administered and it doesn't work and everybody ends up settling their case for, you know, a third of what it's worth, then you can have a statute that has really high benefits and continues for a long time and all this other stuff. So there's an interesting, it's interesting because the industry of course cares only about the bottom line, and you have to understand that the workers comp reform effort was a nationwide thing, it was not something that grew spontaneously here in Maine.

The so-called reform, which really was cutting workers comp rights, they called it reform because reform, you know, reform is a word that's beginning to lose its meaning. Reform usually means you make it better, but in this particular case it didn't make it better, it made it worse, at least for the injured workers. The national experts in workers comp will go around from state to state declaring a crisis in each successive state and play one state off against the next by saying, "Well in this state the benefits, the cost of workers comp is higher than the next state."

And what they would do is they would come in with this traveling road show of experts and actuaries and in this way brought the standard for workers comp down everywhere by picking off this state and that state. And there would be, you know, the state of the year, you know, they'd have, they'd target Rhode Island, you know, Texas, Illinois one year. Get some reforms there, cut back some stuff, and then the next year they'd focus on different states. And so Maine got caught up in that. And Maine had a very generous law, relatively speaking, but none of the laws were really, really compensated people for what they lost.

JR: Okay, and how did the labor unions work into like workers comp, like I guess maybe to the, in reference to that -?

RT: The unions have always been very strong in supporting worker comp rights, but the unions are now struggling with their own existence, and unions nowadays are more concerned with the survival of the work rather than secondary things such as statutes for injured workers, and secondary things. When companies, multi-nationals come in and they're buying and selling units and shutting down good fac--, shutting down profitable factories for some corporate, some financial corporate reason, the unions are no longer focusing on the secondary benefit programs. They're focusing on their own existence. And with the unions' reduced budgets they can no longer fight grievances and arbitrations the way they used to, they just can't do it. And so they're operating on a shoe string, and they just haven't gone completely. And so that's what's happened.

JR: And over the course of your time with that commission, what did you observe as like the factions that were created I guess, mainly in the legislature by the, not exclusive to that, and just the sort of political infighting that arose with workers compensation, the whole battle that they had with it.

RT: Well I had to walk a fine line, because as an administrator I had to enforce the laws as they stood. So I didn't really take sides in that while I was with the board. And you have to put your own personal feelings in check and just be as fair as possible. And in trying to keep a nice, clean administration of the act, couldn't get involved too much in the policy issues in the legislature. For example, it's not for the workers comp board to decide what the maximum benefit rate should be, or how long a person can get benefits for. I mean, that's really, the legislature decides that and we administer it. I was reappointed by Governor McKernan as chairman. In fact, there's a picture of that up here, that's my first term, and that was my third, my third term with McKernan. My kids, you can see them grow up. But we ran a decent shop, I thought, and worked hard, and a lot, as I told you, a lot of the commissioners went on to become judges, they were very creative, active people, ambitious. And it didn't bother me at all that so many of them went on to become judges, because what it meant was that it was like a training ground to become a judge. And we got two, you know, three or four really good years out of these people, and they worked extra hard because they knew that if they did a good job then they might get a judgeship. So it didn't bother me at all that that happened. That's much better than having a bunch of, you know, hearing officers who are not going to go anywhere and are just going to be stuck as hearing officers for the rest of their life. So it was an exciting time.

JR: And so you had three terms in all?

RT: Hm-hmm.

JR: Okay, and then after that you came back here, to this law firm.

RT: Right.

JR: Okay, and then what sort of cases, and how have you been involved politically since then?

RT: I really haven't been. I have run for school board. For six years I was on Brunswick school board and that was my only real civic duty. I've been mostly just engrossed in the trenches of these cases, just, you know, one case after the next. Hundreds and hundreds of cases flow through here.

JR: Okay, and who are some of the people you served with on the Brunswick school board?

RT: Geez, there's a whole bunch, nobody who's involved in state politics, just local folks.

JR: Just local people. Okay.

RT: Jim Grant, you know, I could get you a list of them.

JR: Right, okay. Perhaps just more kind of like a couple of general questions. What is, like kind of what we talked about, sort of how labor unions have declined in Maine. What's your sense of how the Democratic Party has evolved like since like your early days, like back in '74 (*unintelligible word*) until like what you observe of today?

RT: Boy, that's a tough question. I haven't been around the Democratic politics much since I left the board. I was disappointed myself that the Democrats didn't stop the rape of the workers comp law. It was Democrats who cut the benefits and so forth, and they allowed that to happen, they didn't have enough guts to, you know, back up their constituencies. So the Democratic Party really isn't responding to labor so much anymore. And that's, I'm trying to think of something that would point out what I'm trying to say. I get the feeling that the Democratic organizations have basically dried up and blown away. I mean, I don't think that there's much of a Democratic structure any more. The Democratic town and city committees are just shells really; the county committees. Every so often you'll have a small group in some town or county who will whip up a few, you know, bean suppers and speeches and invite people in and try to revitalize the Democratic party there, and that'll last for a year or two and then it'll, you know. But the party structure doesn't really deliver anything anymore, so everything's media now, PR. I don't, I haven't been in touch with the party much.

JR: Okay, going back to your involvement with the workers compensation commission, what was your impression of the two governors you served under, first Brennan, then McKernan, like how effective they were as leaders?

RT: Yeah, Governor Brennan was very cautious and deliberate, and a very deep thinker and a lot smarter than people realize. He's a very smart man. But he also took, he was very cautious and I think when he was governor that was perfect for the state. Because he basically rebuilt state government after Longley because Longley came in like a bull in a china shop and just destroyed everything and, you know, he was just completely wired and he'd be calling people up at night and, you know, judges and, you know, just very erratic. And Brennan kind of put the state back on track in a very quiet and methodical way.

McKernan was a moderate also, I think, he wasn't ideological. But he allowed the interest groups within the, you know, Republican Party and so forth to go after labor. I think McKernan knew what was going on, but he himself was not an ideologue so to speak. He did appreciate good, you know, simple, good administration and he could appreciate that. And as long as the agency was running smoothly, he was perfectly happy to just let it alone. And that's what we tried to do, we tried to take care of complaints, have a responsive ship, you know, make sure that our telephone calls were ret-, that we returned the telephone calls and stuff like that, really the basic stuff. I mean, a lot of work in any organization is the basic stuff, returning the phone calls and stuff like that. Nothing magical about it, it's just a matter of discipline and persistence.

JR: Okay, and I know, this will be more like, just to speak of how you think Angus King has done, like in relation to those two. I know you weren't involved with him, but -

RT: I wouldn't have any way of knowing.

JR: Kind of from the outside.

RT: I wouldn't know much about that.

JR: Okay, alright, now just sort of, do you have any more general impressions of Muskie, like overall, like from what, you know, the few times you interacted with him and also just in general, like what do you think his legacy is?

RT: Yeah, yeah, well see, by the time I knew him I was just a law student and he was a, you know, a senator with a lot of seniority so, you know, it wasn't like we were pals or anything obviously. I had tremendous respect for him and, you know, was proud to be working in the state and in the agency and in the party with him as the leader. It gave me a feeling that there was a heavyweight kind of watching over things. And we don't have a leader like that anymore.

JR: Okay, and now just more just to wrack your brain for names if you can, just, specifically this summer I've been given the task of like seeking out people who have been involved with the labor movement in Maine, and first, you know, tell about how it has evolved and its relation to politics. I mean, just, who do you, what other people do you think we could interview, a few that you know were connected to Maine over your years working with the labor unions in Maine and whatnot?

RT: Marv Ewing of Windham, very good. There's Wally Szumita, S-Z-U-M-I-T-A, I mean these are all in the labor book. You know, I can go on, you know these names.

JR: (*Unintelligible phrase*).

RT: I'm trying to think of ones that would be less -

JR: You know, not necessarily the leaders but specifically Maine people who have been involved for a long time.

RT: The rank and file.

JR: Yeah, some of the rank and file (*unintelligible phrase*).

RT: Yeah, see, now I'd have to get back to you on that.

JR: Okay, alright then. Well I think, unless you have anything else to add, I think we should be all set.

RT: There's somebody you might want to contact in Brunswick, Sue Pinette. And you're not going to get her number because it's listed under her dad, who's died now. And she got a phone recorder so she might have to call you back. Sue Pinette goes back a long, she worked at HealthTex and she's a rank and file type person. It's listed under Laurent, Larry Pinette, 14 McKeen Street. It's 725-7926. And she's got a good story because basically she worked at

Health Tex when it was union, and when they closed down she went to USM on the unemployment money, the employment made a special fund for people put out of work, and so she would understand it from that point of view. She did very well, got really good grades at USM. She's still living at home. She worked for the workers, she went on the workers comp board when it was set up, after I had left, you know, maybe '96 or '97. And she's also in a, she worked for the legislature for the judiciary committee as a clerk. So she would have, she's outspoken and she would have, might have some stories about Muskie and Democratic politics.

JR: All right, great. And how about anyone from the textile workers union? They're in Biddeford, right?

RT: It's now called UNITE, Wally Szumita is the business manager, and he could tell you who the local presidents are, so you could go down and talk to the actual workers who work, you know, are elected president of the different locals in each plant.

JR: Okay. Great, well thank you very much.

RT: You're welcome.

End of Interview
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